

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 887 OF 2006

Radheshyam Ramanth Singh & Anr. ...Applicants
V/s.
State of Maharashtra. ...Respondent

Shri Shirish Gupte, Sr.Advocate with Ms.Sharmila
Kaushik for Applicants.
Ms.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 17, 2006

P.C. :-

. Heard learned Counsel for the applicants and
learned APP for the State.

. The applicants were arrested in connection with
an offence punishable under the provisions of Sections
8(c), 28 and 29 of the NDPS Act. It is alleged that the
information was received by the complainant at about
10.30 a.m. The names of the applicants were mentioned
in the said information. Accordingly, the information
was reduced in writing in the presence of two panchas.
Thereafter, the applicants were arrested. The
applicants was found to be in possession of 52 kgs. of

ganja and applicant no.2 was found to be in possession of 31 kg. of ganja. The panchanama was, accordingly, made.

2. Learned Counsel for the applicants submits that there is discrepancy regarding the time on which the information was received by the Police Inspector Shri Waral. He has invited my attention to the statement of this officer who had stated that he had received the information at 10.30 a.m. The panch witness in his statement had stated that the information was received at 11.30 a.m. It is submitted that there is clear discrepancy regarding the time when the information was received and this would vitiate the entire case of the prosecution so far as receipt of the information and the subsequent panchanama which was made.

3. It is not possible to accept the said submission. The Investigating Officer in his statement clearly stated the time when he received the information. Merely because the panch witness in the panchanama has stated that the information was received

at 11.30 that by itself would not make the fact of receipt of information improbable or false. Prima facie, no case is made out for grant of bail, particularly when the quantity found in the possession of both the applicants is 52 kg. and 31 kg. of ganja, respectively, which is a commercial quantity within the meaning of the provisions of the NDPS Act and therefore, the bar provided under Section 37 would apply to the facts of the present case.

. Under these circumstances, the application for bail is rejected.

(V.M. Kanade, J.)